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08/094,896 07/22/93 NAGANO

M 35,09371

EXAMINER

E6K1/0816

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HARPER AND SCINTO
277 PARK AVENUE
NEW YORK, NY 10172

ART UNIT	PAPER NUMBER
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2613

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DATE MAILED:

08/16/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-45 are pending in the application.
Of the above, claims 13-45 are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-12 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☒ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☒ not been received
☐ been filed in parent application serial no. _____; filed on _____
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other _____

EXAMINER'S ACTION

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Part III DETAILED ACTION

1. Applicant's election with traverse of Group I in Paper No. 5 is acknowledged. The traversal is on the ground(s) that the inventions of group I and II are so closely related as to entail substantial overlap. This is not found persuasive as Groups I and II are patentable distinct and have separate classifications in the arts which would require an undue burden on the examiner to search.

The requirement is still deemed proper and is therefore made FINAL. Claims 12-45 are hereby withdrawn from further consideration by the Examiner.

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

4. Claims 4-6, 9-12 are rejected under 35 U.S.C. § 112, first paragraph for the following reasons: referring to claim 4,

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changing the sensitivity of the photoelectric conversion means, and correction of the correction means do not have clear antecedent bases in the specification; referring to claim 5, correction of the correction means, and correction of the correction means by a filter does not have clear antecedent basis in the specification; referring to claim 6, correction of the correction means, and correction of the correction means by another material element does not have clear antecedent basis in the specification; referring to claim 9, an exposure adjustment means for adjusting the light accumulation time and the sensitivity of the photoelectric conversion means does not have a clear antecedent basis in the specification.

5. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, means for changing the sensitivity of the photoelectric conversion means, a filter or another material element for correction of the correction means, and a means for an exposure adjustment means to adjust the light accumulation time and the sensitivity of the photoelectric conversion means must be shown or the features cancelled from the claims. No new matter should be entered.

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 7, and 8 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Toda et al. Toda et al. discloses an endoscope including a material element (see FIG. 43, liquid crystal iris 412), a photoelectric conversion means (CCD 411), and a correction means (see col. 29, lines 35-42, white balance correction circuit 427) for correcting the light transmission factor wavelength dependency of said material element.

Referring to claim 2, Toda et al. discloses an endoscope wherein the correction means adjusts a correction amount in accordance with the light transmission factor (see col. 29, lines 22-25).

Referring to claim 3, Toda et al. discloses an endoscope wherein the correction by the correction means is achieved by auto white balance control (see col. 29, lines 22-25, white balance correction circuit 427).

As best understood and referring to claim 4, Toda et al. discloses an endoscope wherein the correction by the correction

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means is achieved by changing the gain of the photoelectric conversion means (see col. 29, lines 35-36).

Referring to claim 7, Toda et al. discloses an endoscope wherein the correction means includes a storage means (see FIG. 45, color correcting control circuit 432 includes color correcting memory 440).

Referring to claim 7, Toda et al. discloses an endoscope wherein the storage means stores a plurality of correction amounts (see col. 31, lines 9-12).

8. Claims 9-12 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Tani et al. Tani et al. discloses a camera including a material element for controlling the light transmission factor (see FIG. 1, diaphragm 12), a photographic conversion means (imaging device 10) capable of adjusting light accumulation time (see abstract, lines 13 and 14), and an exposure amount adjusting means (microcomputer 20) for adjusting the light transmission amount and the light accumulation time.

Referring to claim 10, Tani et al. discloses a camera wherein the exposure amount adjusting means electrically adjusts the light transmission amount. Here it is noted that microcomputers, such as microcomputer 20, are known to be electrical.

Referring to claim 11, Tani et al. discloses a camera wherein the exposure amount adjusting means adjusts the light

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transmission amount in accordance with the incident light (see abstract, lines 5-14).

Referring to claim 12, Tani et al. discloses a camera wherein the exposure amount adjusting means comprises storage means for storing at least one relationship between the light transmission amount and the accumulation time of the photoelectric conversion means (see col. 5, lines 27-55, here it is noted that the charge accumulation time depends on the shutter speed (see abstract, lines 13 and 14)).

9. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 5-6 are rejected under 35 U.S.C. § 103 as being unpatentable over Tani et al. in view of Kley. Tani et al. discloses all of the limitations of claim 1 as previously

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described. Tani et al. does not disclose the use of a filter as a means for correcting light transmission dependency of the material element. Filters are well known in the art for correcting for wavelength dependency of material elements. For example, minus blue filters are well known means in photograph for correcting smoke and haze in the atmosphere and are often used in photography in order to get a clear image of the subject as light scattering is wavelength dependent. Kley discloses the use of a filter (color unit of FIG. 69) for the control of light transmission to achieve white light (see col. 31, lines 37-55, also FIG. 67, color units 1164, 1166, 1168, 1170, 1172). It would have been obvious to one skilled in the art to use a filter, such as, a color unit of FIG. 69, as taught by Kley, in the endoscope, as taught by Toda et al., in order to correct for the wavelength dependency of the material element, and thereby obtain a color correct image of the subject object.

Referring to claim 6, Kley discloses the use of another material element as a correction means for controlling the transmission factor. Same reason for combining art as in claim 5.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael

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Day whose telephone number is 703/305-4941. The examiner can normally be reached on Monday-Friday, from 0800 to 1700 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached by phoning (703) 308-4713. The Fax phone number is 703/305-9508.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 703/305-4900.

Gon J. Quas
PRIMARY EXAMINER
Aug 26/13